

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

PUBLIC SERVICES - Tribal Welfare Department - Establishment - Appeal petition of Sri K.Prabhakar, formerly District Tribal Welfare Officer, Ranga Reddy & Hyderabad District against the punishment of stoppage of one annual grade increment without cumulative effect imposed by Director of Tribal Welfare, Hyderabad in proceedings dt.1.11.2003 - Appeal allowed - punishment of stoppage of one annual grade increment without cumulative effect set aside - Orders - Issued.

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**SOCIAL WELFARE (TW.SER.II.2) DEPARTMENT**

G.O.Rt.No. 269

Dated: 3-4-2009  
Read the following:-

1. From the Director of Tribal Welfare, Hyderabad proceedings Rc.No.K1/6239/02,dt.1.11.2003.
2. Govt.Memo No.9600/TW.Ser.II.2/2002-12,dt.26.8.2008.
3. From Sri K.Prabhakar, formerly DTWO,R.R.&Hyderabad Appeal petition dt.17.11.2008.
4. From the Director of Tribal Welfare, Hyderabad Lr.Rc. No.11/6239/02,dt.3.1.2009

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**ORDER:**

In the reference 1<sup>st</sup> read above the Director of Tribal Welfare, Hyderabad has issued orders imposing punishment of stoppage of one annual grade increment without cumulative effect against Sri K.Prabhakar, formerly District Tribal Welfare Officer, Ranga Reddy & Hyderabad in connection with disciplinary case relating to scholarship scam in Ranga Reddy & Hyderabad Districts, and the same has been confirmed in the reference 2<sup>nd</sup> read above.

2. In reference 3<sup>rd</sup> read above Sri K.Prabhakar, District Tribal Welfare Officer, Ranga Reddy & Hyderabad Districts has filed Appeal Petition before the Government. In the Appeal Petition while referring the Judgement of G.M.Tanks Vs.State of Gujarat and other (2006 Supreme Court (L&C) 1121), the appellant has requested to set aside the punishment as the criminal case launched against him was disposed of by the special court constituted for the above scam in its judgment and he was totally acquitted and the entire period of suspension was treated as on duty.

3. The Director of Tribal Welfare, Hyderabad in the reference 4<sup>th</sup> read has stated that in the judgment in C.C.No.1-2003 in criminal case No.134/2002,dt.11.6.2007, Sri K.Prabhakar was totally acquitted from the case, and that the same law in the judgement of the Supreme Court in CM Tanks case applies to the facts of the case as there is an acquittal of the applicant after the evidence has been appreciated by the criminal court and in view of the same law laid down, the departmental proceedings in charge Memo dt.24.12.2002 and consequential punishment of postponement of one annual grade increment without cumulative effect imposed on the appellant by the Director of Tribal Welfare, Hyderabad in his proceedings Rc.No.K1/6239/02, dt.1.11.2003 are against Law. He has therefore, recommended to consider the appeal petition filed by Sri K.Prabhakar, formerly District Tribal Welfare Officer, Ranga Reddy & Hyderabad Districts.

4. The Government after examination of the appeal petition filed by Sri K.Prabhakar, formerly DTWO, Ranga Reddy & Hyderabad Districts has observed that all the four charges were mainly categorized under the following two allegations:

(i) He sanctioned excess amount under Post matric Scholarship (renewal and fresh) in the name of ST students of Bapuji Jr. and Degree College, Lungur House, Hyderabad and.

(ii) He did not reconcile the expenditure with reference to release under Post matric scholarships with PAO, which resulted fraudulent drawal of amounts under Post Matric Scholarships.

The Charged Officer was acquitted by the Special Court and as well exonerated by the Department for the main allegation (i) Similarly, the allegation at (ii) was also dealt by both the Special Court and the Department. The prosecution charged 15 officials of PAO for this allegation. The PAO, A.P.,Hyderabad deposed before the Special Court that as per para 19.6 of Budget Manual, it was the duty of the DDOs to first reconcile their expenditure figures with that of the expenditure figures booked at PAO's office and also admitted that no reconciliation was done in PAO's office with regard to scholarships of SC, ST and BC Welfare Departments from several years. But, the Department which dealt this allegation in the disciplinary case against the Charged Officer gave a finding that "as per G.O.Ms.No.88, Social Welfare Department dated 8.6.1990 the concerned Principals are the Drawing and Disbursement Officers in respect of post Matric Scholarships and they have to furnish the drawal particulars for reconciliation of the same with PAO by the District Tribal Welfare Officer concerned. The charged officer has taken initiative for reconciliation but could not complete the work" and award punishment of stoppage of one increment without cumulative effect to meet the ends of justice without appreciating the evidence on record and efforts put in by him within one year of his assuming charge as District Tribal Welfare Officer , for reconciliation of expenditure incurred by DDOs of nearly 300 Government and Private Educational Institutions pending from severa years as admitted by the PAO in the Special Court. As per G.O.Ms.No.88 Social Welfare Department dt.8.6.1990 the powers of DDOs were vested with the Principals of Government and Private Institutions and District Tribal Welfare Officer was only the sanctioning authority. However, he pursued with the DDOs, gathered information from many institutions and deputed his staff to PAO for reconciliation on 4.6.2002 i.e. prior to booking of criminal case on 15.6.2002 but could not complete due to his alleged involvement in the criminal case. It was against this background, the DDO powers were restored back to the District Tribal Welfare Officers vide G.O.Ms.No.80,dt.24.7.2002 and also revised comprehensive procedure in G.O.Ms.No.90, dt.30.7.2002 superseding G.O.Ms.No.88, dt.8.6.1990 were issued with a view to streamline sanction procedure and avert fictitious claims. Thus, as seen from the material available on record, the Charged Officer did initiate action to reconcile the expenditure in Treasuries /PAO, which was not done prior to his tenure and hence he is not found guilty of the charge under allegation at Sl.No.2 above.

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5. Therefore, Government after careful examination hereby allow the Appeal Petition of Sri K.Prabhakar, District Tribal Welfare Officer, Ranga Reddy & Hyderabad Districts and set aside the punishment imposed by the Director of Tribal Welfare in the reference 1<sup>st</sup> and 2<sup>nd</sup> read above ie. Stoppage of one annual grade increment without cumulative effect and dropped further action against him.

6 The Director of Tribal Welfare, Hyderabad .shall take action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**A.K.TIGIDI  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
Sri K.Prabhakar, formerly District Tribal Welfare Officer,  
Ranga Reddy & Hyderabad Districts.  
The Director of Tribal Welfare, Hyderabad  
Copy to:  
PS to Minister (TW&RIAD)  
PS to Prl.Secretary to Government.(TW)

//FORWARDED BY ORDER //

**SECTION OFFICER**